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OCT 29 2018

WATER RESOURCES
WESTERN REGION

Attorney for Prospective Intervenor City of Meridian

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

_____)
IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 63-34403 IN THE NAME OF) PETITION TO INTERVENE
CAT CREEK ENERGY, LLC)
_____)

COMES NOW, Petitioner City of Meridian (hereinafter "Petitioner") by and through its counsel Honsinger Law, PLLC and, in conformance with and pursuant to IDAPA 37.01.01.350, hereby petitions for intervention as a party in the Matter of Application for Permit No. 63-34403 filed by Cat Creek Energy, LLC.

Entities not applicants or protestants in a proceeding before the Idaho Department of Water Resources ("IDWR") who claim a "direct and substantial interest may petition for an order from the presiding officer granting intervention to become a party." IDAPA 37.01.01.350. "Petitions to intervene must be filed at least fourteen (14) days before the date set for formal hearing, or by the date of the prehearing conference." IDAPA 37.01.01.352. A petition to intervene showing "a direct and substantial interest in any part of the subject matter of a proceeding" that "does not unduly broaden the issues" is generally granted by the presiding

PETITION TO INTERVENE IN MATTER OF APPLICATION FOR WATER RIGHT
NUMBER 63-34403 IN THE NAME OF CAT CREEK ENERGY, LLC- Page 1

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officer “unless the applicant’s interest is adequately represented by existing parties.” IDAPA 37.01.01.353.

Petitioner has a direct and substantial interest in this proceeding in that Petitioner owns water rights that are diverted from groundwater within the Boise River Basin. As Application for Permit No. 63-34403 proposes the diversion of nearly 10,000 cfs and 100,000 acre-feet per year from the Boise River, it is possible that such a diversion may impact groundwater in the vicinity of the Boise River. Petitioner is concerned that applicant’s proposed water right could impact its water rights, and may impact recharge of the Boise River groundwater basin. Additionally, Petitioner wishes to ensure that the proposed application complies with the requirements of I.C. §42-203A such that: (1) it does not result in reductions in the quantity of water available to existing water rights, including those held by Petitioner; (2) the water supply is sufficient for the purpose for which the right is sought to be appropriated ; (3) the proposed appropriation is not in conflict with the local public interest as defined in Idaho Code Section 42-202B; (4) the proposed appropriation is not contrary to the conservation of water resources within the state of Idaho; and (5) the proposed appropriation does not adversely affect the local economy of the watershed or local area within which the proposed source of water originates. Petitioner requests that the proposed permit be conditioned to ensure that no violations of I.C. §42-203A occur.

This Petition to Intervene is submitted prior to any formal hearing. Indeed it is submitted prior to the scheduling of any prehearing conference. Accordingly it is timely.

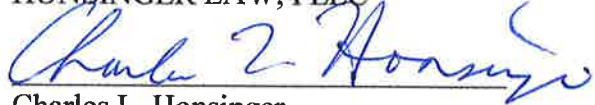
The protestants in the case have filed very broad protests that appear to encompass the concerns of petitioner. Thus petitioner’s intervention will not unduly broaden the existing issues.

Petitioner is one of the largest groundwater users in the Treasure Valley. As a municipality that also provides a water supply for its citizens, no protestant to the application is similarly situated. Thus, Petitioner's interests are not adequately protected by existing parties.

There appears to be no reason to deny this Petition for Intervention. Accordingly, Petitioner respectfully requests that IDWR issue an order granting it intervention in this matter.

Dated this 25th day of October, 2018.

HONSINGER LAW, PLLC



Charles L. Honsinger
Attorney for City of Meridian

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on October 25, 2018, he caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following:

Cat Creek Energy, LLC
398 S. 9th St., Ste. 240
Boise, ID 83701

U.S. Bureau of Reclamation
c/o E. Gail McGarry
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Boise, ID 83706-1234

Boise Project Board of Control
Shelley M. Davis
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Boise, ID 83701-2139

Idaho Water Engineering
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c/o Marie Callaway Kellner
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Boise, ID 83701

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State of Idaho
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Jerome, ID 83338

Tree Top Ranches LP
c/o William J. Mulder
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